

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**SHELLY J. DAVINE, JAMES E. WILLIAMS  
JACOB E. OGDEN, BETH A. FARRAR, and  
PHILIP CARDINALE on behalf of themselves  
and all others similarly situated,**

**Plaintiffs,**

**v.**

**THE GOLUB CORPORATION, THE PRICE  
CHOPPER, INC., PRICE CHOPPER  
OPERATING CO. OF MASSACHUSETTS,  
INC., NEIL M. GOLUB, JEREL GOLUB, JOHN  
J. ENDERS, JR., CHRISTINE C. DANIELS,  
AND JEREL T. GOLUB,**

**Defendants.**

**Civil Action No.:  
3:14-cv-30136-MGM**

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS AND  
COLLECTIVE ACTION SETTLEMENT, CONDITIONAL CERTIFICATION OF THE  
SETTLEMENT CLASSES, APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS  
COUNSEL, AND APPROVAL OF PROPOSED NOTICES OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Motion for Preliminary Approval of Class and Collective Action Settlement, Conditional Certification of the Settlement Classes, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Proposed Notices of Settlement, and the supporting Declaration of Justin M. Swartz ("Swartz Declaration"), and the exhibits attached thereto, Plaintiffs respectfully move this Court for an Order:

- (1) Preliminarily approving the Joint Stipulation of Settlement and Release, attached to the Swartz Declaration as Exhibit A;
- (2) Approving the proposed Notices of Class and Collective Action Settlement and Claim Form, attached to the Swartz Declaration as Exhibits B and C, and the proposed reminder postcard, attached as Exhibit E to the Swartz Declaration, and directing their distribution;
- (3) Approving the proposed schedule for final settlement approval; and

(4) Granting such further relief as the Court deems just and proper.

\* \* \*

The Parties have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: July 31, 2017  
New York, New York

Respectfully submitted,

**OUTTEN & GOLDEN LLP**

/s/ Justin Swartz

Justin M. Swartz

Justin M. Swartz (admitted *pro hac vice*)

Rachel Bien (admitted *pro hac vice*)

Michael Litrownik

685 Third Avenue, 25th Floor

New York, New York 10017

Telephone: (212) 245-1000

Facsimile: (646) 509-2060

**COHEN KINNE VALICENTI & COOK  
LLP**

Kevin M. Kinne (BBO# 559004)

Benjamin K. Steffans (BBO# 568535)

28 North Street, 3rd Floor

Pittsfield, Massachusetts 01201

Telephone: (413) 443-9399

kkine@cohenkinne.com

bsteffans@cohenkinne.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: July 31, 2017  
New York, New York

By: /s/ Justin Swartz  
Justin Swartz (admitted *pro hac vice*)